

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Debbie L. Carlson,

Civil No. 09-2547 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Michael J. Astrue, Commissioner  
of Social Security,

Defendant.

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Lionel H. Peabody, Esq., Peabody Law Office, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,  
counsel for Defendant.

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Based upon the Report and Recommendation of United States Magistrate Judge  
Leo I. Brisbois, and after an independent review of the files, records and proceedings in  
the above-entitled matter,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment is **GRANTED IN PART** for  
remand for further proceedings consistent with this Report and Recommendation, in  
accordance with sentence four of 42 U.S.C. § 405(g), and **DENIED IN PART** for award  
of benefits (Doc. No. [16]).

2. Defendant's Motion for Summary Judgment (Doc. No. [19]) is **DENIED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 8, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge